

ORDINANCE NO. 040617-Z-1

AN ORDINANCE AMENDING CHAPTERS 25-2, 25-3, AND 25-6 OF THE CITY CODE RELATING TO ART AND CRAFT STUDIO, ART GALLERY, ART WORKSHOP, CUSTOM MANUFACTURING, FOOD PRODUCTION, AND PRINTING AND PUBLISHING USES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-4 of the City Code is amended to delete the definitions of “art and craft studio (general)”, “art and craft studio (industrial)”, and “art and craft studio (limited)”, to add the following new definitions, and to renumber the remaining definitions accordingly:

- (3) ART GALLERY use is the use of a site for the display or sale of art.
- (4) ART WORKSHOP use is use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced.
- (29) FOOD PREPARATION use is the use of a site for the production of prepared food for wholesale distribution in a structure with not more than 5,000 square feet of gross floor area. The use includes wholesale bakeries, commercial kitchens, and specialty food processing or packaging shops, but excludes the on-site slaughter of animals and the commercial production of ice.
- (51) PRINTING AND PUBLISHING use is the use of a site for the bulk reproduction, printing, cutting, or binding of written or graphic material.

PART 2. Section 25-2-5(B)(2) of the City Code is amended to read:

- (2) CUSTOM MANUFACTURING use is the use of a site for on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five [~~two~~] horsepower, or a single kiln not exceeding 12 [~~8~~] kilowatts, and the incidental sale of those goods. This use includes [~~ceramic studios,~~] candle-making shops[~~;~~] and custom jewelry manufacturing.

PART 3. The table in Section 25-2-491(C) of the City Code is amended to:

- (A) delete the rows relating to “Art and Craft Studio (Limited)” use, “Art and Craft Studio (General)” use, and “Art and Craft Studio (Industrial)” use;
- (B) add a row for “Art Gallery” use; and
- (1) place an endnote “1” in the cell for a “R&D” district referring the reader to Section 25-2-602;
 - (2) place an endnote “3” in the cell for a “PUD” district referring the reader to Subchapter B, Article 2, Division 5;
 - (3) place an endnote “4” in the cell for a “P” district referring the reader to Section 25-2-624;
 - (4) indicate that the use is prohibited in a “AV”, “AG”, or “DR” district or a residential district; and
 - (5) indicate that the use is permitted in all other districts;
- (C) add a row for “Art Workshop” use; and
- (1) place an endnote “1” in the cell for a “R&D” district referring the reader to Section 25-2-602;
 - (2) place an endnote “3” in the cell for a “PUD” district referring the reader to Subchapter B, Article 2, Division 5;
 - (3) place an endnote “4” in the cell for a “P” district referring the reader to Section 25-2-624;
 - (4) indicate that the use is conditional in a “L” district;
 - (5) indicate that the use is prohibited in a “AV”, “AG”, or “DR” district or a residential district; and
 - (6) indicate that the use is permitted in all other districts;
- (D) add a row for “Food Preparation” use; and
- (1) place an endnote “1” in the cell for a “R&D” district referring the reader to Section 25-2-602;
 - (2) place an endnote “2” in the cell for a “AV” district referring the reader to Section 25-2-622;
 - (3) place an endnote “3” in the cell for a “PUD” district referring the reader to Subchapter B, Article 2, Division 5;

- (4) place an endnote "4" in the cell for a "P" district referring the reader to Section 25-2-624;
 - (5) indicate that the use is conditional in a "GR" district;
 - (6) indicate that the use is prohibited in a "AG" or "DR" district or a "LR" or more restrictive district; and
 - (7) indicate that the use is permitted in all other districts; and
- (E) add a row for "Printing and Publishing" use; and
- (1) place an endnote "1" in the cell for a "R&D" district referring the reader to Section 25-2-602;
 - (2) place an endnote "2" in the cell for a "AV" district referring the reader to Section 25-2-622;
 - (3) place an endnote "3" in the cell for a "PUD" district referring the reader to Subchapter B, Article 2, Division 5;
 - (4) place an endnote "4" in the cell for a "P" district referring the reader to Section 25-2-624;
 - (5) indicate that the use is prohibited in a "CR", "AG", or "DR" district or a "LO" or more restrictive district; and
 - (6) indicate that the use is permitted in all other districts.

PART 4. Section 25-2-651(C) of the City Code is amended to read:

- (C) In this section, RETAIL USE means:
- (1) agricultural sales and services use;
 - (2) art gallery use [~~art and craft studio (general) use~~];
 - (3) art workshop use [~~art and craft studio (industrial) use~~];
 - (4) [~~art and craft studio (limited) use~~];
 - (4) [(5)] automotive repair services use;
 - (5) [(6)] automotive sales use;
 - (6) [(7)] construction sales and services use;
 - (7) [(8)] equipment sales use;

- (8) [(9)] food sales use;
- (9) [(10)] general retail services (convenience) use;
- (10) [(11)] general retail sales (general) use;
- (11) [(12)] liquor sales use;
- (12) [(13)] monument retail sales use;
- (13) [(14)] pawn shop services use;
- (14) [(15)] pet services use;
- (15) [(16)] plant nursery use;
- (16) [(17)] recreational equipment sales use;
- (17) [(18)] restaurant (drive-in, fast food) use;
- (18) [(19)] restaurant (general) use;
- (19) [(20)] restaurant (limited) use;
- (20) [(21)] service station use;
- (21) [(22)] special use historic use; or
- (22) [(23)] veterinary services use.

PART 5. Section 25-2-691(C) of the City Code is amended to read:

(C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:

- (1) art gallery [~~art and craft studio (limited)~~];
- (2) art workshop;
- (3) [(2)] cocktail lounge;
- (4) [(3)] consumer convenience services;
- (5) [(4)] cultural services;
- (6) [(5)] day care services (limited, general, or commercial);
- (7) [(6)] food sales;

(8) [~~(7)~~] general retail sales (convenience or general);

(9) [~~(8)~~] park and recreation services;

(10) [~~(9)~~] residential uses;

(11) [~~(10)~~] restaurant (limited or general); and

(12) [~~(11)~~] other uses as determined by the Land Use Commission.

PART 6. Section 25-2-802 of the City Code is repealed and replaced with a new Section 25-2-802 to read:

§ 25-2-802 ART GALLERY AND ART WORKSHOP USES.

(A) For an art gallery use in a general office (GO) or more restrictive district, the sale of art supplies, equipment, or accessories is prohibited.

(B) This subsection applies to an art workshop use in a community commercial (GR) or more restrictive district.

(1) The use may not:

(a) exceed 5,000 square feet of gross floor area; or

(b) produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff.

(2) The following are prohibited:

(a) the outdoor storage of materials; and

(b) the use of welding equipment, fiberglass, or epoxy.

PART 7. Chapter 25-2 of the City Code is amended to add a new Section 25-2-810 to read:

§ 25-2-810 PRINTING AND PUBLISHING USE.

(A) This section applies to a printing and publishing use in a community commercial (GR) or more restrictive district.

(B) The use may not:

(1) exceed 5,000 square feet of gross floor area; or

(2) produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff.

(C) The following are prohibited:

- (1) the outdoor storage of materials; and
- (2) the wholesale distribution of goods.

(D) The use is limited to printing equipment typically used in a business office.

PART 8. Section 25-2-1483(A) of the City Code is amended to read:

(A) A corner store special use is limited to the following commercial uses:

- (1) art gallery;
- (2) [~~(1)~~] consumer convenience services;
- (3) [~~(2)~~] consumer repair services;
- (4) [~~(3)~~] food sales;
- (5) [~~(4)~~] general retail sales (convenience);
- (6) [~~(5)~~] personal services;
- (7) [~~(6)~~] restaurant (general); and
- (8) [~~(7)~~] restaurant (limited).

PART 9. Section 25-2-1533(C) of the City Code is amended to read:

(C) The following commercial uses are permitted:

- (1) art gallery;
- (2) [~~(1)~~] consumer convenience services;
- (3) [~~(2)~~] consumer repair services;
- (4) [~~(3)~~] food sales;
- (5) [~~(4)~~] general retail sales (convenience);
- (6) [~~(5)~~] personal services;
- (7) [~~(6)~~] restaurant (general); and
- (8) [~~(7)~~] restaurant (limited).

PART 10. The table in Section 25-3-29 of the City Code is amended to:

- (A) delete the rows relating to “Art and Craft Studio (General)” use and “Art and Craft Studio (Limited)” use;
- (B) add a row for “Art Gallery” use, and indicate that the use is permitted in a “MRA” and a “NCA”;
- (C) add a row for “Art Workshop” use, and indicate that the use is prohibited in a “MRA” and permitted in a “NCA”;
- (D) add a row for “Food Preparation” use, and indicate that the use is prohibited in a “MRA” and permitted in a “NCA”; and
- (E) add a row for “Printing and Publishing” use, and indicate that the use is prohibited in a “MRA” and permitted in a “NCA”.

PART 11. Section 25-3-105 of the City Code is amended to add a new Subsection (J) to read:

- (J) A printing and publishing use may not exceed 5,000 square feet of gross floor area.

PART 12. The table in Part 1 of Appendix A to Chapter 25-6 of the City Code is amended to:

- (A) delete the row relating to “Art and craft studio (limited or general)”;
- (B) under “Commercial Uses”, add rows for:
 - (1) “Art Gallery” use classification with a minimum off-street parking requirement of “1 space for each 500 sq. ft.” and an off-street loading requirement of “None”;
 - (2) “Art Workshop” use classification with a minimum off-street parking requirement of “Schedule B” and an off-street loading requirement of “None”;
 - (3) “Food Preparation” use classification with a minimum off-street parking requirement of “Schedule A” and an off-street loading requirement of “Schedule C”; and
 - (4) “Printing and Publishing” use classification with a minimum off-street parking requirement of “Schedule A” and an off-street loading requirement of “Schedule C”.

PART 13. This ordinance takes effect on June 28, 2004.

PASSED AND APPROVED

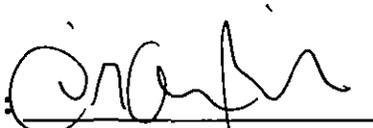
June 17, 2004

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Will Wynn
Mayor

APPROVED:



David Allah Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk